

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KASSONDRA BAAS, et al.,

Plaintiffs,

No. C 07-03108 JSW

v.

DOLLAR TREE STORES, INC.,

Defendant.

**ORDER DENYING FORMER
COUNSEL'S MOTION FOR
RELIEF FROM ORDER**

On June 24, 2009, Plaintiffs' former counsel, the Edgar Law Firm, filed a motion for relief from an order pursuant to Federal Rule of Civil Procedure 60(b). The Court finds that this matter is appropriate for disposition without oral argument and the matter is deemed submitted. *See* N.D. Civ. L.R. 7-1(b). Accordingly, the hearing set for August 7, 2009 is VACATED.

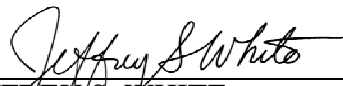
The Edgar Law Firm's motion is defective for several reasons. First, Rule 60(b) authorizes courts to withdraw or amend a final order. *See* Fed. R. Civ. P. 60(b); *see also Kirby Forest Industries, Inc. v. United States*, 467 U.S. 1, 18 (1984) ("Rule 60(b) empowers a federal court, upon motion of a party, to withdraw or amend a final order..."). "Rule 60(b) applies only to final orders and judgments." *A & A Sign Co. v. Maughan*, 419 F.2d 1152, 1155 (9th Cir. 1969). The Court's order granting in part and denying in part Defendant's motion for judgment on the pleadings and/or for summary judgment was not a final, appealable order. Therefore, the Edgar Law Firm's motion pursuant to Rule 60(b) is improper. Second, it is not clear that the Edgar Law Firm, as Plaintiff's *former* counsel, has standing to challenge the Court's order. Third, even if the Court were to consider the merits of the Edgar Law Firm's contentions, the

1 Edgar Law Firm has not demonstrated any viable grounds for reconsidering the order.

2 Therefore, the Court DENIES the Edgar Law Firm's motion.

3 **IT IS SO ORDERED.**

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5 Dated: July 17, 2009



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE